



# California Regional Water Quality Control Board

## Los Angeles Region



**Linda S. Adams,**  
Agency Secretary

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**Arnold Schwarzenegger**  
Governor

### Meeting Minutes

Los Angeles Regional Water Quality Control Board  
October 1, 2009 Board Meeting  
City of Simi Valley  
Council Chambers  
2929 Tapo Canyon Road  
Simi Valley, California

The meeting was called to order by Chair Mary Ann Lutz at 9:08 a.m.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Chair Mary Ann Lutz, Vice Chair Madelyn Glickfeld, Steve Blois, Fran Diamond, Maria Mehranian, and Maribel Marin

Board Members Absent: Dick Richardson

Staff Present: Tracy Egoscue, Deborah Smith, Samuel Unger, Michael Levy, Ronji Harris, Jennifer Fordyce, Stephen Cain, Jack Price, Paula Rasmussen, David Hung, Cassandra Owens, Renee Purdy, Eric Wu, Thanhloan Nguyen, Jenny Newman, L.B. Nye

Individuals whose Names Appear on the Sign-In Sheet

Mr. Bert Rapp, City of Fillmore	Mr. Phil Markle, L. A County Sanitation District
Ms. Kirsten James, Heal the Bay	Dr. Mark Gold, Heal the Bay
Mr. Doug Gravelle, Hinson & Gravelle LLP	Ms. Margaret Milman-Barris, MWH
Mr. Mark Pumford, City of Oxnard	Mr. Nazem Said, L.A. County DPW
Mr. Ken Hoffman, L.A. County Sanitation District	Mr. Wayne Praskins, USEPA
Ms. Sally Coleman, Ventura Regional Sanitation District	Mr. Glenn Bailey, Friends of Lake Balboa Mr. Roger Hahn, Chevron
Mr. Anthony Arevalo, Long Beach Public Works	Mr. C. Conway, Hugo McGrath
Mr. William Coultas, Coultas Ranch Company	Mr. Dan Pfeifer, City of Ventura
	Ms. Susie Santilena, Heal the Bay
	Mr. Mark Lawler, Ventura Regional Sanitation District
Mr. Gian Villarreal, RBF Consulting	Ms. Ashli Desai, Latham Watkins & Associates

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Mr. Bob Kramer, SC Land	Ms. Colleen Conway, McGrath Family
Mr. Andres Herrera, Ventura Regional Sanitation District	Mr. James Potter, DOJ

## Item 2. Order of Agenda.

- *Item 13, to be moved to be heard immediately following the Consent Items Calendar, for speakers only. (There was no Staff presentation or voting that took place for this matter.)*

## Item 3. Approval of draft meeting Minutes for September 3, 2009 meeting.

**MOTION:** To continue the draft meeting Minutes, and add modifications as directed by Board Member Fran Diamond.

First: Board Member Fran Diamond

Second: Board Chair Mary Ann Lutz

Vote: Approved by unanimous vote to continue draft Minutes to the November 5, 2009 Meeting.

## Item 4. Approval of the Draft 2010 Board Meeting Schedule.

**MOTION:** To approve with modifications to the April 8 meeting moved up one week to April 1, 2010.

First: Vice Chair Madelyn Glickfeld

Second: Board Member Fran Diamond

Vote: Approved by unanimous vote

## Item 5. Board Member Communications.

*There was no communication reported that constitutes disclosure for this item.*

## Item 6.a Executive Officers Report

Report and Addendum Report was given to the Board. No verbal report was given at this meeting. The Report was posted on the Board's website:

[www.swrcb.ca.gov/~rwqcb4/html/eo\\_reports/eo\\_reports.html](http://www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html)

## Item 6.b Board Checklist.

*There was no discussion or questions regarding the Board Checklist.*

## Item 6.c Report from State Board.

*There was no report from State Board at this meeting*

## Item 7. Public Forum.

- Mr. Wayne Praskins, U.S. Environmental Protection Agency (*gave an update to the Board on the status of the Halaco site. Halaco is a site added to the Superfund list. It was determined that*

*parts of the site needed cleanup and what type of cleanup was appropriate. The site is regularly inspected for stormwater compliance. USEPA plans to continue to work with the property owners and with Board staff on cleanup and compliance for the Halaco site.).*

- Mr. Burt Rapp, City of Fillmore
- Mr. Glenn Bailey, Representing self
- Mr. Kira Redmond, Santa Barbara Channelkeeper

Uncontested Items Calendar.

Executive Officer Tracy Egoscue announced the Consent items as follows: 8, 9, and 10

**MOTION:** To deem non-controversial and approve Agenda Item(s): 8, 9, and 10

Board Member Glickfeld abstained from voting on Item 8, due to conflict of interest.

First: Vice Chair Madelyn Glickfeld

Second: Board Member Fran Diamond

Vote: Approved by unanimous vote.

Item 11. Consideration of proposed Basin Plan amendment to incorporate a Total Maximum Daily Load (TMDL) for Organochlorine (OC) Pesticides, Polychlorinated Biphenyls (PCBs), Sediment Toxicity, Polycyclic Aromatic Hydrocarbons (PAHs), and Metals for Colorado Lagoon.

Staff Report. Mr. Eric Wu, Unit Chief in regional Programs gave the staff presentation. Mr. Wu's presentation gave, but was not limited to the following points:

- He gave background history
- He talked about 303(d) Listings and Beneficial Uses
- The Water Quality targets are based on CTR for human health
- He discussed numeric targets
- He discussed wasteload and load allocations
- City of Long Beach proposes to dredge the lagoon
- Los Angeles County Flood Control District is identified as a responsible party
- Discussed the proposed changes to the Basin Plan
- Discussed proposed implementation actions

Public Comment.

- Mr. Nazem Said, Los Angeles County Department of Public Works (in support, but believes it's inappropriate for the County to be named as a responsible party, and asked to be removed as a responsible party)
- Mr. Eric Lopez, City of Long Beach (in support, but opposed to ERLs as the numeric targets)
- Ms. Susie Santilena, Heal the Bay (in support, but has concerns with water transfer, and urged staff to assess the marine stadium)
- Dr. Cindy Lin, USEPA (in support)

## Board comments, concerns and discussion:

- In respect to the March 25, 1999 Consent Decree, how has the targets changed?
- How will the contaminated sediment be removed?
- How will the sediment be disposed and/or treated?
- Gave reference to page 11-103, paragraph 2, and stated that word “should” is vague and should be changed.
- Asked staff how comfortable they are with allowing them to determine limits?
- Concern that monitoring is reduced from quarterly to annually
- Why isn't air deposition measured massly?
- Are we monitoring before or after the dredging to get a threshold?
- Is there a sense of cost level achieving the ERLs?

*Ms. Renee Purdy, Acting Section Chief Regional Programs responded to concerns of the Board. She gave clarification that the most appropriate target was being used, using the most up to date guidelines available. She also indicated that at this time we are not requiring the studies, and this is the reason the word “should” was used in the paragraph on page 11-103. Ms. Purdy expressed that at this time she is comfortable with allowing the dischargers to determine the limits until the workplans are submitted.*

*Mr. Eric Wu gave clarification that if there are any exceedances observed the monitoring will then change from annually to quarterly monitoring.*

*Staff Attorney Michael Levy gave clarification that the Clean Water Act requirements is that the discharger and point sources are responsible for what comes out of their pipes, and that is where we place the waste load allocation.*

**MOTION:** To approve the amendment with change sheet, and changes as noted by Board members and staff's proposed changes.

First: Board Member Fran Diamond  
Second: Board Member Maria Mehranian  
Vote: Approved by unanimous vote

The Board went into Closed Session at 12:20 pm  
Reconvened at 2:25 pm

Item 12: Consideration of proposed Basin Plan Amendment to incorporate a Total Maximum Daily Load (TMDL) for PCBs, Pesticides and Sediment Toxicity in McGrath Lake.

Staff Report. Ms. Jenny Newman, Unit Chief gave the staff report. In her report, Ms. Newman made, but was not limited to the following points:

- This is a sub-watershed that lies within the Santa Clara watershed
- McGrath Lake is very shallow and slackish
- The lake is privately owned by the McGrath family

- Talked about the beneficial uses and the impairments at the lake
- The lake has been on the 303(d) list of impairments since 1998
- The lake has some of the highest PCB levels in the state and was identified as a high toxicity hot spot in 1999
- She discussed the numeric targets
- TMDLs are used to assign point sources
- The Implementation Plan's first phase is a 10 year schedule
- Phase 2 Implementation is lake sediment, to be implemented through MOA which allows cooperative parties to jointly develop a workplan, secure funding, and implement sediment remediation
- The phrase "Responsible Party" has been replaced with "Cooperative Parties"
- Ventura AG believes that implementation schedule should be extended
- Heal the Bay commented that the implementation schedule should be shortened

Public Comment.

- Ms. Kirsten James, Heal the Bay (concerns about timelines)
- Mr. Douglas Graville, Representing 5 landowners near McGrath Beach (opposed as written)
- Mr. Richard Rozzelle, Ca State Parks, (in support)
- Ms. Sally Coleman, Ventura Regional Sanitation District (in support)
- Mr. John Krist, Farm Bureau of Ventura County (in support)
- Mr. Bill Coultas, Coultas Ranch Company (in support)
- Dr. Cindy Lin, USEPA Region 9 (in support)
- Mr. John Matthews, S.C. Lands (in support)
- Ms. Charlotte Craven, Camarillo City Council , Rep Ventura Regional Sanitation District (in support)
- Mr. Fred Van Wingerden, Flower Growers (in support)

Board concerns, questions, and discussion:

- Commended Ventura residents
- Expressed concern about time frame, but feeling more comfortable about the 14 year length of time
- How do we expect to run this project with only one MOA participant?
- Believe that the Coastal Conservancy will be real helpful if involved with this project
- How is the number of years determined/defined?
- How does staff feel about specifically naming the owners of the property?

*Mr. Mike Levy, Senior Staff Counsel clarified that we have a legal obligation to respond to CEQA comments no matter how late they are received.*

**MOTION:** To adopt the Amendment with proposed changes as recommended by staff.

First: Vice Chair Madelyn Glickfeld

Second: Board Member Maria Mehranian

Vote: Approved by unanimous vote.

INFORMATION

Item 14. Update on contamination Levels in fish in Lakes and Reservoirs in the Los Angeles Region.

Staff Report. Mr. Michael Lyons, Staff Environmental Scientist. (*Mr. Lyons made, but was not limited to the following points in his presentation.*)

- Discussed historical monitoring of fish tissue contaminant levels, which lead to 7 lakes listed as impaired 303(d) listed
- Discussed the Swamp Study
- The mercury level is moderate to high in large mouth bass throughout the region
- Mercury contamination level is low in other species of fish collected
- PCB contamination moderate to high in several lakes
- How do we inform the public?

Public Comment.

- Ms. Kirsten James, Heal the Bay (*talked about the Heal the Bay Outreach team that informs the public about these types of issues. Offered to sit with Board staff and talk about solutions.*)

Board discussion.

- Believe that we should wait to go forward on this when we receive a budget to support it
- Believe that we should allow the public as much important information as possible
- Believe that we should link all of the cities once we have this up on the website

The Board meeting was adjourned at 4:30 pm The Draft Minutes may be approved, rescinded or modified at the November 5, 2009 Board meeting.

Written and submitted by: \_\_\_\_\_, then finalized on  
Ronji R. Harris